

Patent
 Attorney Docket: 032,290-006
 [ARTM 1000-5US]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**FULTON III, Richard Eustis
 DUBRUL, William Richard**

Serial No.: 09/900,801

Filed: July 6, 2001

**For: BIOPSY LOCALIZATION METHOD
 AND DEVICE**

Group Art Unit: 3736

Examiner: Szmal, B.

8-19-03

JF19

JK

TERMINAL DISCLAIMER

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

I, John Kappos, represent that I am an attorney of record for the above-identified application. Artemis Medical, Inc. (hereinafter referred to as "Artemis") is the owner of 100% interest in the above-identified invention by virtue of assignment from the inventor. The assignment from the inventor to Artemis was recorded in the Patent and Trademark Office on January 2, 2001, on Reel 011439, Frame 0045.

Artemis hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of U.S. Patent No. 6,270,464. Moreover, Artemis hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as

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August 8, 2003
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John Kappos
 John Kappos

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[formerly ARTM 1000-5US]

the legal title to U.S. Patent No. 6,270,464, this agreement to run with any patent granted on the above-identified application and to be binding upon Artemis, its successor, or assigns.

Artemis does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,270,464 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: August 8, 2003

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